

Message Text

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ACTION EA-10

INFO OCT-01 ISO-00 EB-07 L-03 CIAE-00 INR-07 NSAE-00 /028 W

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FM AMEMBASSY TAIPEI

TO AMCONSUL PORT MORESBY

INFO SECSTATE WASHDC 6313

AMEMBASSY CANBERRA

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E.O. 11652: N/A

TAGS: PBOR, PP, TW

SUBJECT: PNG AND ROC FISHING VESSELS

REF: A. PORT MORESBY 690

B. PORT MORESBY 679

1. WE HAVE CONVEYED THE INFORMATION CONTAINED REFTELS TO APPROPRIATE ROC OFFICIALS, WHO HAVE EXPRESSED THEIR APPRECIATION FOR THE INFORMATION. TAIWAN PROVINCIAL FISHING BUREAU APPEARED TO BE PARTICULARLY RECEPTIVE AND PROMISED TO ATTEMPT TO REACH THE OWNERS OF ALL FOUR VESSELS MENTIONED REFTELS.

2. WITH REGARD TO THE DISPOSAL OF CHIU FU NO. 3, WE NOTE FROM REF A THAT THE VESSEL'S CAPTAIN IS ABLE TO COMMUNICATE DIRECTLY WITH THE OWNER IN TAIPEI. THEREFORE, WE BELIEVE THAT ANY REQUEST FOR AUTHORIZATION FROM THE OWNER TO SELL THE VESSEL "AS IS" SHOULD PROPERLY BE MADE BY THE CAPTAIN OF THE VESSEL OR BY THE TAIWAN PROVINCIAL FISHING BUREAU. ACCORDINGLY, UNLESS OTHERWISE INSTRUCTED BY THE DEPARTMENT, WE DO NOT PLAN TO INTERVENE DIRECTLY WITH THE OWNER.

3. WHILE WE CANNOT ACT AS INTERPRETERS OF CHINESE LAW, OUR UNDERSTANDING -- AND THAT OF THE TAIWAN PROVINCIAL FISHING BUREAU -- IS THAT IF A SHIP HAS "COMPLETELY LOST
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HER CAPABILITY OF SAFE NAVIGATION," THE CONTRACT OF

EMPLOYMENT BETWEEN CREW AND OWNER IS TERMINATED. IF THIS CONTRACT IS TERMINATED OUTSIDE OF THE PORT OF EMPLOYMENT, THE SHIPMASTER IS UNDER OBLIGATION TO SEND THE MARINER BACK TO THE ORIGINAL PORT.

4. IN VIEW OF THE APPARENTLY FORTHCOMING ATTITUDE ADOPTED BY THE TAIWAN PROVINCIAL FISHING BUREAU, YOU MAY WISH TO SUGGEST TO THE DFRT THAT IN THE FUTURE IT COORDINATE DIRECTLY WITH THE BUREAU ON THIS HUMANITARIAN MATTER.

5. FYI: TAIWAN PROVINCIAL FISHING BUREAU HAS ALSO INFORMED US THAT VESSELS IN QUESTION MAY BE SUBJECT UNDER ROC LAW TO VARIOUS FINES. END FYI.
UNGER

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